

FINDINGS OF FACT

1. Findings numbered 1 through 6, inclusive, in the PELRB's decision of April 9, 1992 (Decision No. 92-69) are reaffirmed and incorporated herein by reference.
2. Paragraph 2 of the "Decision and Order" in Decision No. 92-69 addresses the parties' on-going obligation to negotiate non-cost items.
3. There is no evidence that the Union made overtures to the Town of its desire to bargain between the time it was certified as the exclusive bargaining agent and October 3rd, which is one hundred twenty (120) days prior to the budget submission date.
4. Certification petitions, notices of hearings before the PELRB, PELRB orders of election, PELRB notices of pre-election conferences and PELRB Certifications of Bargaining Agents and Orders to Negotiate are all documents associated with the organizational process but are not equivalent to the notice of intent to bargain required under RSA 273-A:3 II (a) which must be given by "any party desiring to bargain." (Emphasis added)
5. There is no statutory exclusion in RSA 273-A:3 II (b) exempting the one hundred twenty (120) day notice requirement for new or "first time" bargaining units and the public employers with whom they will be negotiating.

DECISION AND ORDER

Upon affording the parties what they believed was necessary for a "full evidentiary hearing," we remain unconvinced that there was any error in our decision of April 9, 1992 (Decision No. 92-69). An order by the PELRB certifying an exclusive bargaining agent and directing the parties to bargain is not the notice contemplated to be given by "any party desiring to bargain" under RSA 273-A:3 II (a). Our order in Decision No. 92-69 has already addressed the issue of the parties' obligation to bargain about

non-cost items for which the 120 days notice requirement does not apply. Thus, we AFFIRM our findings and Order in Decision No. 92-69, noting that the pending ULP is DISMISSED and that the parties' obligation to bargain non-cost items remains unchanged from what was stated in that document.

So ordered.

Signed this 19th day of October, 1992.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding.
Members Seymour Osman and Arthur Blanchette present and voting.